

AFFIDAVIT OF SERVICE

Client's File No.: _____

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**Civil Action No.: **17-cv-00928 LJV**

Date Filed: _____

*Carl M. Miller*

vs

Plaintiff(s)/Petitioner(s)

County of Erie, et al.

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF GREENE, SS.:

The undersigned being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in the State of New York. That on the following date: 05/02/18, at the following time: 2:45 PM, at (c/o Greene Correctional Facility) 165 Plank Road, Coxsackie, NY 12051 deponent served the within Memorandum of Law; Plaintiff's Notice of Motion for Judgment By Default Against Defendants Maxim Healthcare, James Thomas, Joseph Damico and Ariel Simms; Affidavit in Support of Motion

☒ Papers so served were properly endorsed with the Civil Action No..Upon: **Joseph Damico - DIN #17B0649** *Justin*☒ **Individual** By delivering a true copy thereof to said recipient personally; deponent knew the person so served to be the individual described therein.

☐ **Responsible Person** By delivering to and leaving with _____, _____ Relationship
a true copy thereof, a person of suitable age and discretion. Said premises being the defendant / respondent's
[] dwelling place [] place of business/employment [] last known address within the State. [] usual place of abode

☐ **Mail** A copy thereof was deposited in a postpaid, properly addressed envelope, marked "Personal and Confidential" in a depository maintained by the U. S. P. S. and mailed to the above address on _____

☐ **Corporation LLC / LLP** By delivering to and leaving with _____ said individual to be
who specifically stated he/she was authorized to accept service on behalf of the Corporation/Government Agency/Entity.

☐ **Affixing To Door** By affixing a true copy thereof to the door, being the defendant/respondent's [] dwelling place [] place of business/employment
[] last known address within the State. [] usual place of abode

☐ **Previous Attempts** Deponent previously attempted to serve the above named defendant/respondent on:
1) _____ at _____ 3) _____ at _____ 5) _____ at _____
2) _____ at _____ 4) _____ at _____ 6) _____ at _____

Description of Recipient Sex: M Color of skin: W Color of hair: BLK Age: 37 Height: 5' 08"
Weight: 177 LBS Other Features: None

☐ **Witness Fees** advanced payment was made.

☒ **Military Service** I asked the person spoken to whether the defendant/respondent was in active military service and received a negative reply. The person spoken with wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations defendant/respondent narrated above. Upon information and belief, I aver that the recipient is not in military service.

☐ **Other**Sworn to before me on May 2nd, 2018*Notary Signature*
NOTARY PUBLIC

LORI A MARDON
Notary Public, State of New York
No. 01MA6252798
Qualified in Albany County
Commission Expires Dec. 12, 2019

Shellyann Fellen
PROCESS SERVER - PRINT NAME BELOW SIGNATURE

Shellyann Fellen

PROCESS SERVER LICENSE # _____

Work Order # **7428002**